IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1591 OF 2007

Smt.Sunita Chhaburao Sonawane .. Petitioner.

V/s.

The President,
Dr.Babasaheb Ambedkar Janseva
Shikshan Mandal & Ors. .. Respondents.

ALONGWITH

WRIT PETITION NO.1594 OF 2007

Smt.Shalini Ramesh Nile .. Petitioner

V/s.

The President,
Dr.Babasaheb Ambedkar Janseva
Shikshan Mandal & Ors. .. Respondents.

ALONGWITH

WRIT PETITION NO.1601 OF 2007

Mrs.Shobha Sudam Borkar .. Petitioner

V/s.

The President,
Dr.Babasaheb Ambedkar Janseva
Shikshan Mandal & Ors. .. Respondents.

Shri.A.A.Garje for the petitioners.

None for the respondents.

CORAM : A.P. DESHPANDE, J.

DATE : 14TH MARCH, 2007.

P.C.:

1. As a common question is involved and the issues are identical, all the three writ petitions are heard together and are being disposed of by the following order.

2. Admittedly, two out of three petitioners possesses qualification of HSC whereas the third petitioner possesses qualification of SSC. All the petitioners are untrained teachers and are not eligible for being appointed as primary school teachers. Despite the fact that the petitioners were not eligible and qualified, they were so appointed in the year 1994. According to the petitioners till the date of termination, they had not acquired the requisite qualification.

3. Aggrieved by the termination, the petitioners preferred an appeal before the School Tribunal. The School Tribunal held that the petitioners are not eligible to be appointed as the primary school teacher as they do

not possess the required qualification viz. D.Ed. or qualification equivalent thereto. However, the Tribunal found fault with the termination order, the same being not in consonance with the provisions of the Act and Rules. Thus, it is crystal clear that the petitioners do not have any right to the post wherein they were working. In this peculiar situation, the Tribunal which is empowered to mould relief had taken recourse to the power vested in it u/s.11 (2)(e) of the Act. Sub Section (2)(e) provides that where the Tribunal decide not to reinstate the employee or in any other appropriate case, the Tribunal can compensate the employees by directing payment equal to 12 months salary if the employee has put in more than 10 years service. In the present case, the Tribunal has directed the management to pay 12 months salary to the petitioners.

4. I have perused the order. As the petitioners are not possessing the requisite qualifications required to be possessed by a teacher, there is no merit in the present petition. I am also satisfied that the Tribunal has rightly denied the relief of reinstatement by directing payment of compensation as is permissible u/s.11 (2) (e) of the MEPS Act. There being no merit in the petition, the same is dismissed summarily.

(A.P. Deshpande, J.)